



Senate

General Assembly

File No. 295

February Session, 2006

Substitute Senate Bill No. 290

Senate, April 3, 2006

The Committee on Planning and Development reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ENVIRONMENTAL JUSTICE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2006*) (a) As used in this
2 section:

3 (1) "Environmental justice" means the equal protection and
4 meaningful involvement of all people, especially overburdened
5 communities, in the development, implementation and enforcement of
6 environmental laws, regulations and policies;

7 (2) "Meaningful involvement" means a process in which (A) the
8 potentially affected group of people are provided an appropriate
9 opportunity to participate in decisions about a proposed activity that
10 will affect their environment and health, (B) participation by the public
11 can influence a regulatory agency's decisions, (C) concerns of all
12 participants will be considered in the decision-making process, and (D)
13 the decision makers seek out and facilitate the involvement of those

14 potentially affected;

15 (3) "Overburdened community" means a census block (A) in which
16 not less than twenty per cent of the population consists of
17 noninstitutionalized low-income persons and not less than fifty per
18 cent of the population consists of noninstitutionalized minority
19 persons, or (B) having three or more affecting facilities located within a
20 three mile radius; and

21 (4) "Affecting facilities" means electric generating facilities, waste
22 incinerators or combustors, sewage treatment plants with design flow
23 of over five million gallons per day, intermediate processing facilities,
24 volume reduction facilities, multitown recycling facilities, active
25 landfills, multitown sludge processing facilities, asphalt and concrete
26 batching facilities, major sources of air pollution, as defined by the
27 federal Clean Air Act, and sources with air emissions that exceed the
28 federal Toxic Release Inventory reporting threshold in effect on
29 January 1, 2006, pursuant to the federal Emergency Planning,
30 Community Right-to-Know, and Pollution Prevention Act.

31 (b) (1) The Department of Environmental Protection shall identify
32 and compile a list of overburdened communities. The department shall
33 ensure that there is meaningful involvement in compiling such list.
34 Not later than March 1, 2007, and every five years thereafter, the
35 department shall report, in accordance with section 11-4a of the
36 general statutes, to the joint standing committees of the General
37 Assembly having cognizance of matters relating to public health and
38 the environment, regarding the overburdened communities listing,
39 and the criteria used to determine such designation.

40 (2) Not later than June 1, 2007, and annually thereafter, the
41 Department of Environmental Protection shall notify the chief elected
42 official, the health department and the zoning commission of each
43 town, city or borough in which there is located an overburdened
44 community that such overburdened community is on the list provided
45 for under subdivision (1) of this subsection.

46 (c) (1) Not later than January 1, 2007, the Department of
 47 Environmental Protection, the Department of Public Utility Control
 48 and the Connecticut Siting Council shall each adopt regulations, in
 49 accordance with the provisions of chapter 54 of the general statutes,
 50 that describe the procedures concerning consideration of
 51 environmental justice used by the department or agency in granting
 52 licenses, permits or authorizations, taking action that could have
 53 human health or environmental effects, or in other decision-making
 54 processes that relate to affecting facilities.

55 (2) Not later than January 1, 2007, the Department of Environmental
 56 Protection, the Department of Public Utility Control and the
 57 Connecticut Siting Council shall each adopt regulations, in accordance
 58 with the provisions of chapter 54 of the general statutes, describing
 59 actions each department or council, as appropriate, shall take to reduce
 60 the incidence of pollution in overburdened communities.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	New section

ENV*Joint Favorable C/R*

PD

PD*Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Department of Environmental Protection	GF - Cost	See Below	None
Public Utility Control, Dept.; Consumer Counsel	CC&PUCF - Cost	Potential Minimal	None

Note: GF=General Fund; CC&PUCF=Consumer Counsel and Public Utility Control Fund

Municipal Impact: None

Explanation

It is anticipated that identification and compilation of a list of overburdened communities, as well as the notification requirements in the bill can be handled within the normal budgetary resources of the Department of Environmental Protection (DEP).

The bill also requires the DEP, Department of Public Utility Control (DPUC), and the Connecticut Siting Council (CSC) to each adopt regulations by January 1, 2007 regarding their respective consideration of environmental justice used in granting licenses, permits or authorizations, taking action that could have human health or environmental effects, or other decision making processes that relate to affecting facilities. It is estimated that the DEP would require additional resources for outside consultants or 2 employees at a cost of \$150,000 in FY 07. The regulations required would have to incorporate and integrate all programs, across all Medias (air, water, waste, etc.) and would be very complex. It is estimated that DPUC and CSC each could experience costs up to \$20,000 in FY 07 related to advertising, transcription, and hearing expenses.

The Out Years

There is no fiscal impact in the out years.

OLR Bill Analysis
sSB 290

AN ACT CONCERNING ENVIRONMENTAL JUSTICE.

SUMMARY:

This bill requires the Department of Environmental Protection (DEP) to identify and compile a list of communities overburdened by pollution. DEP must report to the Environment and Public Health committees, no later than March 1, 2007, and every five years thereafter, on the list and its criteria for determining that a community is overburdened.

DEP must ensure meaningful involvement by those people potentially affected by a proposed polluting activity in compiling the list.

DEP must notify the chief elected official, health department, and zoning commission of each town, city, or borough in which there is an overburdened community of the listing by June 1, 2007, and annually thereafter.

The bill requires DEP, the Department of Public Utility Control (DPUC), and the Connecticut Siting Council to each adopt regulations by January 1, 2007 that describe their respective consideration of environmental justice in (1) granting licenses, permits, or authorizations; (2) taking action that could have human health or environmental effects; or (3) other decision-making processes related to certain affecting facilities (i.e., polluting facilities).

DEP, DPUC, and the council must also adopt regulations by January 1, 2007 that describe the actions, as appropriate, each will take to reduce pollution in overburdened communities.

EFFECTIVE DATE: October 1, 2006

DEFINITIONS

The bill specifies that:

1. “environmental justice” is the equal protection and meaningful involvement of all people, especially overburdened communities, in the development, implementation, and enforcement of environmental laws, regulations, and policies.
2. “meaningful involvement” is a process in which (a) potentially affected groups are provided an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and health, (b) public participation can influence a regulatory agency's decisions, (c) all participants’ concerns will be considered in the decision-making process, and (d) decision makers seek out and facilitate the involvement of those potentially affected;
3. “overburdened community” is a census block (a) in which no less than 20% of the population consists of noninstitutionalized low-income people and for which no less than 50% of the population consists of noninstitutionalized people who are not white and not of European descent or (b) having three or more affecting facilities located within a three mile radius; and
4. “affecting facilities” means electric generating facilities, waste incinerators or combustors, sewage treatment plants with design flow of over five million gallons per day, intermediate processing facilities, volume reduction facilities, multitown recycling facilities, active landfills, multi-town sludge processing facilities; asphalt and concrete batching facilities, major sources of air pollution, as defined by the federal Clean Air Act, and sources with air emissions that exceed the federal Toxic Release Inventory reporting threshold effective January 1, 2006, pursuant to the federal Emergency Planning, Community Right-to-Know, and Pollution Prevention Act.

COMMITTEE ACTION

Environment Committee

Joint Favorable Change of Reference

Yea 19 Nay 6 (03/08/2006)

Planning and Development Committee

Joint Favorable Substitute

Yea 12 Nay 4 (03/17/2006)